

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA, :</b>	<b>:</b>	<b>NO. 3:04-CR-373</b>
	<b>:</b>	
<b>v. :</b>	<b>:</b>	<b>JUDGE KOSIK</b>
	<b>:</b>	
<b>DAVID RHODES, :</b>	<b>:</b>	<b>(ELECTRONICALLY FILED)</b>
	<b>:</b>	
<b>Defendant. :</b>	<b>:</b>	

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**CERTIFICATE OF NON-CONCURRENCE**

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I, Patrick A. Casey, hereby certify that I attempted to contact Todd K. Hinkley, Esquire, Assistant United States Attorney, to seek his concurrence/non-concurrence in the Motion to Suppress/In Limine which was filed on July 17, 2006. I was unable to reach Mr. Hinkley but presume his non-concurrence.

Respectfully submitted,

MYERS, BRIER & KELLY, L.L.P.  
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/s/Patrick A. Casey  
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Attorney for Defendant,  
David Rhodes

Date: July 18, 2006

**CERTIFICATE OF SERVICE**

I, PATRICK A. CASEY, ESQUIRE, hereby certify that a true and correct copy of the foregoing Certificate of Non-Concurrence was served upon the following counsel of record via electronic mail on this 18th day of July, 2006:

Todd K. Hinkley, Esquire  
Assistant United States Attorney  
235 North Washington Avenue  
Scranton, PA 18503

/s/ Patrick A. Casey  
Patrick A. Casey, Esquire